

IN THE SUPREME COURT OF FLORIDA

Case No. SC2025-1325

In re: Petition for All Writs Relief Under Article V, § 3(b)(7)

Petitioner: Mario Mirabal

SECOND SUPPLEMENT TO ALL WRITS PETITION –

EMERGENCY NOTICE OF JUDICIAL ACTION TAKEN POST-
DISQUALIFICATION AND DURING FEDERAL APPELLATE REVIEW

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Petitioner, Mario Mirabal, respectfully submits this Second Supplement to the pending All Writs Petition in Case No. SC2025-1325, to notify this Court that the trial court in Case No. 2024-022769-CA-01 has continued issuing orders after being:

Divested of jurisdiction pursuant to Petitioner's April 28, 2025 Notice of Federal Removal (D.E. 44) under 28 U.S.C. § 1446(d), and

Procedurally disqualified pursuant to Petitioner's Motion to Disqualify Judge Ariana Fajardo Simon, filed August 29, 2025 (D.E. 105), which remains pending.

NEW JUDICIAL ACTION: SEPTEMBER 4, 2025 SANCTIONS ORDER

On September 4, 2025, Judge Simon entered an Order Granting Sanctions against Petitioner (attached as Exhibit E), which:

Compels an in-person deposition on September 10, 2025, despite federal removal and pending disqualification;

Reserves the right to strike Petitioner's pleadings and enter default judgment for non-compliance;

Cautions Petitioner that further non-appearance may result in adverse final rulings;

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References proceedings and alleged conduct that occurred after divestiture and during constitutional review by this Court.

This action follows Plaintiff's earlier filing (D.E. 81) and Petitioner's Emergency Reply (Exhibit B), both of which are already part of the record before this Court.

PROCEDURAL IMPROPRIETY AND IRREPARABLE HARM

This new order demonstrates that:

The trial court continues to exercise power while jurisdiction is divested under 28 U.S.C. § 1446(d),

Judge Simon is issuing orders while under a live disqualification motion,

These actions are occurring despite this Court's pending All Writs Petition,

Petitioner now faces irreparable harm, including potential default and property loss, all rooted in an adjudicative process tainted by:

Documented fraud upon the court (Exhibit C – Rule 60(d)(3) motion),

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Known defects in title and securitization chain (Exhibit D – PSA Violation Index),

And judicial indifference to both constitutional and jurisdictional safeguards.

REQUEST FOR EMERGENCY RELIEF

Petitioner respectfully renews the request for immediate issuance of a writ or stay order, or such other relief as the Court deems necessary to:

Prevent further ultra vires action by the trial court;

Preserve Petitioner's constitutional rights;

Avoid conflict with active federal appellate review in the Eleventh Circuit.

EXHIBITS

Exhibit A – Plaintiff's Response to Motion to Vacate (D.E. 81)

Exhibit B – Defendant's Emergency Reply to Plaintiff's Response

Exhibit C – Petitioner's Consolidated Rule 60(d)(1) Motion (11th Cir.)

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Exhibit D – PSA Violation & Inconsistency Index (Pooling & Servicing Agreement)

Exhibit E – Order Granting Sanctions, entered by Judge Simon on September 4, 2025

Note: Exhibits A–D were filed with Petitioner's prior Supplement and are incorporated by reference.

Respectfully submitted,

/s/ Mario Mirabal

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EXHIBIT E**

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2024-022769-CA-01

SECTION: CA02

JUDGE: Lourdes Simon

KP INVESTMENTS MIAMI, LLC a Florida LLC

Plaintiff(s)

vs.

Mario Mirabal

Defendant(s)

_____ /

ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS

THIS CAUSE came before the Court on August 28, 2025, on Plaintiff's Motion for Sanctions pursuant to Fla. R. Civ. P. 1.380 [D.J. 09] ("Motion"). Plaintiff was represented by counsel, John Cunill, Esq. The Defendant, Mario Mirabal, refused to appear, despite being notified of the hearing. The Court, having reviewed the Motion, the record, and being otherwise fully advised in the premises, finds as follows:

1. On June 18, 2025, this Court entered an Order compelling Defendant, Mario Mirabal, to appear for deposition on July 22, 2025, at 10:00 A.M. at the Law Offices of Adorno & Cunill, PL, 1000 Brickell Avenue, Suite 1100, Miami, Florida 33131.
2. Defendant failed to appear at his court ordered deposition.
3. A Certificate of Non-Appearance was issued by the court reporter confirming Defendant's failure to attend.
4. Defendant's failure to appear constitutes a willful violation of this Court's June 18, 2025, Order and is sanctionable under Fla. R. Civ. P. 1.380(d).

Accordingly, it is **ORDERED AND ADJUDGED**:

A. Plaintiff's Motion for Sanctions is GRANTED.

B. Defendant is Ordered to appear in-person for deposition at the Law Offices of Adorno & Cunill, PL, 1000 Brickell Avenue, Suite 1100, Miami, Florida 33131, on September 10, 2025, at 10:00 A.M.

C. Defendant is expressly cautioned that failure to comply with this Order may result in escalating sanctions, including striking of pleadings and entry of default judgment pursuant to Fla. R. Civ. P. 1.380.

D. The Court reserves on monetary sanctions and further sanctions.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 4th day of September, 2025.

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Hon. Lourdes Simon

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

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